

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

GEORGE MARTIN,)	
)	
Petitioner,)	
)	
v.)	No. 1:18-cv-00924-JMS-TAB
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

**Entry Dismissing Motion to Vacate, Set Aside,
or Correct Sentence and Denying a Certificate of Appealability**

I. Motion to Vacate

On July 21, 2018, the petitioner George Martin filed a Petition for a Writ Error Coram Nobis in No. 1:14-cr-009-JMS-DML-1. That criminal case was opened when the petitioner's supervised release was transferred to this District from the Central District of Illinois. Because his petition seeks to vacate his guilty plea and conviction, the Court directed that his petition be docketed as a motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. § 2255. Dkt. 2.

Mr. Martin seeks relief from his conviction in No. 1:08-cr-10016-01 (C.D. Ill. 2008). He does so after having previously challenged his conviction pursuant to 28 U.S.C. § 2255 and after the challenge was adjudicated on the merits in *Martin v. United States*, No. 09-1387, 2010 WL 3463949 (C.D. Ill. August 25, 2010).

This Court lacks jurisdiction to entertain a second or successive motion for § 2255 relief absent specific authorization from the Circuit Court of Appeals. *United States v. Carraway*, 478 F.3d 845, 849 (7th Cir. 2007); 28 U.S.C. §§ 2255(h) & 2244(b); Rule 9, *Rules Governing Section 2255 Proceedings for the United States District Courts*. Mr. Martin has not shown that he sought

authorization from the Seventh Circuit Court of Appeals before filing this action. Accordingly, this action must be **dismissed** for lack of jurisdiction pursuant to Rule 4 of the *Rules Governing Section 2255 Proceedings for the United States District Courts*.

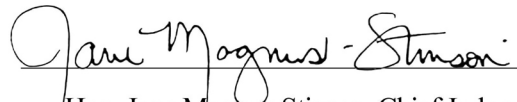
Judgment consistent with this Entry shall now issue and **a copy of this Entry shall be docketed in No. 1:14-cr-00009-JMS-DML-1.**

II. Denial of Certificate of Appealability

Pursuant to Federal Rule of Appellate Procedure 22(b), Rule 11(a) of the *Rules Governing § 2255 Proceedings*, and 28 U.S.C. § 2253(c), the Court finds that Mr. Martin has failed to show that reasonable jurists would find it “debatable whether [this court] was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). The Court therefore **denies** a certificate of appealability.

IT IS SO ORDERED.

Date: 3/26/2018


Hon. Jane Magnus-Stinson, Chief Judge
United States District Court
Southern District of Indiana

Distribution:

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